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10/609,204	06/27/2003	William Samuel Herz	NVID-057/00US	7323

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COOLEY GODWARD KRONISH LLP
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EXAMINER

NGUYEN BA, HOANG VU A

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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/609,204	Applicant(s) HERZ, WILLIAM SAMUEL	
	Examiner Hoang-Vu A. Nguyen-Ba	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/1/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-14, 38, 40 and 56-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-14, 38, 40 and 56-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 1, 2008 has been entered.
2. Claims 1-3, 7-14, 38, 40 and 56-60 are pending. Claims 1 and 38 are independent claims.

Response to Amendment

3. Per Applicant's request, Claims 1, 38 and 40 have been amended.

Response to Arguments

4. Applicant's arguments with respect to Claims 1 and 38 and their dependent claims have been fully considered but they are not persuasive.

Applicant amended Claim 1 to recite, *inter alia*, a "three-dimensional image that simultaneously displays only Electronic Program Guide (EPG) information for a plurality of television channel on a first planar surface and only Personal Video Recorder (PVR) information for video files on a second planar surface" and submitted that Eiref, in contrast has a display area 70 with thumbnails 110. Applicant also submitted that Eiref teaches a three-dimensional object (cube) that pops up when one of the thumbnails is selected but Eiref does not have EPG and PVR on separate surfaces.

The examiner respectfully disagrees with Applicant's assertion that Eiref does not teach EPG information and PVR information on separate surfaces.

In response to the argument that Eiref does not teach EPG information, Applicant's attention is directed to portion 8:2-6 of Eiref where it is disclosed that the plurality of thumbnails

can correspond to a television guide and on the primary surface of one of the side of the three-dimensional object (e.g., cube) detailed information of the guide is displayed (see 8:9-15).

With respect to the argument that Eiref does not teach displaying only PVR information on the second planar surface that is orthogonal to the first planar surface, it is noted that Eiref does suggest that the information presented on the three-dimensional object (e.g., FIG. 7, side view of the cube “Info”) may vary according to the particular subject matter of interest (e.g., 8:31-33), one of which can be VCR tapes or video titles DVD disks (e.g., 8:7-8). These features are considered to be personal video recorder information and anticipated by Eiref. Therefore, Applicant’s amendments to claim 1 are not sufficient to distinguish the claimed invention over Eiref.

Applicant has amended Claim 38 to additionally recite features of Claim 39. The features of Claim 39 are considered to be taught or suggested by Martino in FIGs. 4-9. See discussion hereinafter.

With respect to the limitation “so that media thumbnails are arranged about the circumference of said cylinder to represent a time sequence,” the examiner notes that this feature appears to be disclosed or suggested by Martino in FIGs. 4-9. As shown in these figures, the time bands 5-11AM, 11AM-5PM, 5-11PM, 11PM-2AM, 2AM-5AM are in a time sequence.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2 and 7-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,621,509 to Eiref et al. ("Eiref").

Claim 1

Eiref discloses at least *a method of displaying media information, comprising:*

generating a three-dimensional image that simultaneously displays a Electronic Program guide (EPG) information for a plurality of television channels on a first planar surface and only Personal Video Recorder (PVR) information for video files (it is noted that the PVR is broadly interpreted as a set top box STP which stores EPG and video files such as advertisements, TV program clips, movies trailers that are displayed along with the EPG) on a second planar surface, the first planar surface being orthogonal to said second planar surface (see at least FIG. 7); and

in response to a user input, moving said three-dimensional image to change a viewpoint of said three-dimensional image to a detailed view of one of said planar surfaces while maintaining a partial view of the other planar surface to provide contextual information to facilitate a user navigating between EPG information and PVR information (see at least 8:22-39; 13:20-30).

Claim 2

The rejection of base claim 1 is incorporated. Eiref further discloses *wherein in response to a user input, one of said planar surface is rotated into a face-on view while maintaining a partial view of the other planar surface (see at least FIG. 15, step 258; FIG. 16, step 278).*

Claims 4-6 (canceled)

Claim 7

The rejections of base claim 1 and intervening claim 2 are incorporated. Eiref further discloses *wherein said second surface is moved into a face-on view (see at least 8:22-39), the method further comprising:*

displaying objects representing drawers on said second planar surface (see at least FIGs. 4, 7, e.g., Eiref's thumbnails are equated with the claimed "drawers" because when the thumbnail is selected, a 3D-cube similar to a drawer is shown attached to a foreground plane – i.e., second planar surface -- that is separate from the background plane showing the thumbnails),

responsive to a user input requesting information for a selected drawer (see at least 8:9-12),

opening said selected drawer orthogonally to said second surface and displaying information describing stored video files associated with said selected drawer (see at least FIGs. 4, 7).

Claim 8

The rejections of base claim 1 and intervening claims 1, 2, 7 are incorporated. Eiref further discloses *wherein said displaying information describing stored video files comprise displaying at least one picture (see at least FIGs. 6, 7).*

Claim 9

The rejections of base claim 1 and intervening claims 1, 2, 7 are incorporated. Eiref further discloses *wherein said displaying information describing stored video files comprises: playing at least one audio file (see at least FIGs. 4, 6, 7; it is noted that when playing a video file most likely the accompanying audio file is also played unless the "mute" option is set by the user).*

Claim 10

The rejections of base claim 1 and intervening claims 1, 2, 7 are incorporated. Eiref further discloses *wherein said displaying information comprises: revealing at least one data pop-up configured for a user to obtain additional information for at least one stored video file* (see at least FIG. 7, e.g., “3D object 92”).

Claim 11

The rejections of base claim 1 and intervening claims 1, 2, 7, 10 are incorporated. Eiref further discloses *wherein said at least one data pop-up is a polyhedron having a media thumbnail associated with at least one face of the polyhedron* (see at least FIG. 7, e.g., if the thumbnail represents a VCR tape,” the VCR tape content will be shown on the front face like the “live video 90” is in FIG. 7).

Claim 12

The rejections of base claim 1 and intervening claims 1, 2, 7, 10, 11 are incorporated. Eiref further discloses *rotating said pop-up to reveal a thumbnail of said polyhedron disposed on a face of said polyhedron that is initially hidden from view* (see at least 8:22-39; 13:20-30).

Claim 13

The rejections of base claim 1 and intervening claims 1, 2, 7, 10, 11 are incorporated. Eiref further discloses *wherein said data pop-up is a cube having media thumbnails associated with faces of the cube* (see at least FIGs. 4, 6, 7).

Claim 14

The rejections of base claim 1 and intervening claims 1, 2, 7, 10, 11 are incorporated. Eiref further discloses *wherein said media thumbnail is selected from the group consisting of: an audio thumbnail, a still picture, and a video clip* (see at least FIGs. 4, 6, 7 and 8:6-8).

Claims 15-37 (canceled)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,621,509 to Eiref et al. (“Eiref”) in view of U.S. Patent No. 6,421,067 to Kamen et al. (“Kamen”).

Claim 3

The rejections of base claim 1 and intervening claim 2 are incorporated. Eiref does not specifically disclose *wherein an intersection of said first planar surface and said second planar surface defines an axis of rotation, the degree of rotation being selectable according to said user input to permit a user to select a face-on view of one of said planar surfaces while maintaining a partial view of the other surface.*

However, in an analogous art, Kamen discloses mapping video images from different television channels onto different faces of a polyhedron (e.g., cube) which a viewer can rotate to obtain a display of what is playing on various channels on the television (see at least FIG. 2_C, items 561-563).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the technique of mapping video images onto a polyhedron which can be rotated taught by Kamen to Eiref teachings because this would give a user of Eiref teachings the capability of rotating Eiref's cube to a degree chosen by a user.

9. Claims 38, 40 and 56-58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,662,177 to Martino et al. (“Martino”) in view of U.S. Patent No. 6,621,509 to Eiref et al. (“Eiref”).

Claim 38

Martino discloses at least *a method of displaying media information, comprising:*

generating a three-dimensional image having a curved surface (see at least FIGs. 4-9);

displaying information arranged on a circumference of said curved surface of said three-dimensional image, the information mapped to the curved surface in a model space such that each individual information has an apparent size to a user that depends upon an orientation (see at least FIGs. 4-9); and

in response to a user input, rotating said three-dimensional image to bring a selected region of interest of the curved surface into a face-on view to display program information of interest (see at least FIGs. 4-9).

Martino does not specifically disclose that the displayed information is *media thumbnails*.

However, in an analogous art, Eiref discloses that information displayed in a three-dimensional thumbnail can be live video of EPG (see at least FIG. 7, “live video 90”).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Eiref with Martino because Eiref’s display of media thumbnail on a wheel-type or curved graphic interface would improve the versatility of Martino teachings.

Martino does not specifically disclose:

the level of detail displayed in each media thumbnail depending on its apparent area such that media thumbnails brought into a face-on view have the highest level of detail whereas media thumbnails with the smallest apparent area display the lowest level of detail.

However, in an analogous art, Eiref discloses that the video processing technologies have developed and thus provided a three-dimensional hallway effect where text data size diminishes as the perspective fades into the distance (see at least 1: 57-62).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use this effect in Martino the size of the text displayed on the face-on view is the largest, thus containing the highest level of detail and the text displayed at the back has the lowest level of details which would help squeeze the necessary amount of information into the small are of display.

The combination Martino-Eiref further discloses *wherein said three-dimensional image comprises a cylinder* (Martino; FIGs. 4-9) *and a video fill buffer* (Eiref; FIG. 6, video capture and frame buffer) *is mapped onto said cylinder* (Martino; FIG. 4-9) *so that media thumbnail are arranged about the circumference of said cylinder* (see at least Martino; FIGs. 4-9) *to represent a time of sequence of content* (see at least FIGs. 4-9; e.g., from top to bottom of the wheel, the information are displayed in chronological order, from 5 am to 5 am).

Claim 40

The rejection of base claim 38 is incorporated. The combination Martino-Eiref further discloses *in response to a user input, rotating said cylinder to reveal program information* (Eiref; see at least 8:22-39; 13:20-30).

Claims 41-55 (canceled)

Claim 56

The rejection of base claim 38 is incorporated. The combination Martino-Eiref further discloses *wherein a media thumbnail includes at least one picture* (Eiref; see at least FIG. 6). The combination Martino-Eiref does not specifically disclose *and at least one type of font*.

However, official notice is taken that it is well-known that close captioned information is broadcast with television programs and these close-captioned information are displayed using a type of font suitable for the television screen. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to display the close-captioned

information with a type of font along with the live video in Eiref's FIGs. 6-7 because this would be helpful for viewers with hearing problems.

Claim 57

The rejections of the base claim 38 and intervening claim 56 are incorporated. The combination Martino-Eiref further discloses *wherein a media thumbnail includes at least two types of fonts, wherein the smallest of the two types of fonts is not displayed for thumbnails having the smallest apparent area* (Martino; FIGs. 4-9, the top and bottom beads do not display any information with any type of font).

Claim 58

The rejection of base claim 38 is incorporated. The combination Martino-Eiref further discloses *wherein a small size font is displayed only for media thumbnails having a face-on view* (see discussion in Claim 38).

10. Claims 59-60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,662,177 to Martino et al. ("Martino") in view of U.S. Patent No. 6,662,509 to Eiref et al. ("Eiref") and further in view of U.S. Patent No. 6,754,906 to Finseth et al. ("Finseth").

Claim 59

The rejection of base claim 38 is incorporated. The combination Martino-Eiref does not specifically disclose *generating a cursor displayed on local coordinates of said curved surface for a user to navigate the curved surface in said local coordinates*.

However, in an analogous art, Finseth teaches an EPG interface that allows displaying the above claimed features (see at least FIG. 10, item 106) for the purpose of facilitating program identification and selection (see at least 1:22-25).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Finseth in that of Eiref for the same discussed above, thereby alleviating the problem of requiring a viewer to go through a hierarchy of screens of categories (see at least 1:5-24).

Claim 60

The rejections of the base claim 38 and intervening claim 59 are incorporated. The combination Martino-Eiref does not specifically disclose *a user using said cursor to select a media thumbnail*. However, Eiref discloses that a user can select a thumbnail (e.g., with a remote controller or any well-known input device) when the item to be selected is indicated with a cursor as discussed in Claim 59. As for the claimed *in response to a user using said cursor to select a media thumbnail displaying a low level of detail, rotating the selected media thumbnail into a face-on view displaying a higher level of detail*, see discussion in Claim 38.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu “Antony” Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner’s supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/

Primary Examiner, Art Unit 2623

July 11, 2008